

# The Research Review

PUBLISHED BY THE RESEARCH DIVISION OF THE TENNESSEE HOUSE OF REPRESENTATIVES

March 30, 2006



In Joint Convention on Monday, March 27th, Governor Phil Bredesen welcomed Former Governor Ned McWherter to the chamber. Governor McWherter's visit was his first since leaving office over a decade ago.

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The **House Agriculture Committee** met on Tuesday, March 28<sup>th</sup> for what had been announced as its last meeting of 2006. Chairman Davidson said, however, that the committee will hold one more meeting, April 4<sup>th</sup>, to act on bills leaving the Government Operations Committee this week.

Of the seven bills on calendar, the committee passed out **HB 3513 (Yokley)** to **Finance, Ways and Means**. The bill requires the University of Tennessee, under the supervision of the Department of Agriculture, to study black fly suppression in the Greenbrier Valley and certain areas near the Pigeon River. Representative Yokley said the area has a problem with black flies, and the study will investigate how to kill larvae along the Pigeon River. The bill has passed the Senate with an amendment on the bill, reducing the two-year study to one year.

At the sponsor's request, **HB 2548 (Hackworth)** was **referred to summer study**. Last week, the Agriculture Committee referred Representative Stanley's HB 0263 to summer study, so as it stands now, both bills dealing with prohibiting smoking in restaurants will go through post-session review. HB 2548 puts restaurants in the Children's Act for Clean Indoor Air and restricts smoking in restaurants to areas in which children are not allowed. HB 0263 allows locals to put ordinances into effect banning smoking in public buildings and certain restaurants.

**HB 3296 (Niceley)**, the bill prohibiting the feeding of any animal feed, nutritional supplements, medicines or parts containing a specified risk material from a ruminant or from a ruminant showing signs of a neurological disease, was **taken off notice** by the sponsor. Representative Niceley told the committee he has learned that the federal government is doing the same thing as his bill requires, and that the action should be taken in July. The bill would have prohibited anyone giving such feed or medicines to animals, creating a risk of transmitting BSE or "mad cow" disease. Representative Niceley **rolled** his second bill on calendar, **HB 3297**. The bill prohibits the appropriation of state funds to help implement the U.S. Department of Agriculture's National Animal Identification System.

**Representative Shaw** rolled to the last calendar **HB 3482**, the bill increasing the cigarette tax from 10 mills per cigarette to 4.585 cents per cigarette. Before rolling the bill, Representative Shaw brought out a list of

statistics that he presented to the committee on smoking, teen smoking, and Tennessee's standing as to how much tax is imposed on cigarettes state-by-state.

The two remaining bills, **HB 3868 (Armstrong)** on

providing incentives for ethanol production, and **HB 3575 (Litz)** on allowing tobacco distributors, dealers and jobbers to deduct the amount of bad debts from their tobacco tax liability, were rolled.



Rep. Yokley

The **Children & Family Affairs Committee** met this week and heard the following bills:

**HB 4020 (McMillan)** removes the Department of Children Services from the administrative duties of the Community Services Agencies and places all administrative duties with the Department of Finance and Administration. This bill was **passed to Calendar and Rules**.

**HB 3692 (Hackworth)** that creates a child support study committee was deferred last week after the committee adopted two amendments that changed the membership of the study committee and the issues that the study committee should address. The change made this week in committee was amendment one to amendment number two by Rep. Cochran that stated at least two members of the study committee be appointed from a list provided by the minority parties of each house. After a lengthy discussion, this bill was **passed to Finance, Ways and Means** with amendments.



Rep. DuBois

**HB 494 (DuBois)** dealing with orders of protection, is a bill that was passed out of the Domestic Relations subcommittee last year. Rep. DuBois brought forth an amendment that makes the bill, which states that the court has the ability to modify an order of protection up to five years if an order of protection

is already in place. If that person has a second or subsequent offense, the court can modify the order of protection for up to 10 years. This bill **went to Calendar and Rules** with an amendment.

HB 2763 (Strader) was deferred three weeks.  
HB 3323 (S. Jones) was deferred one week.

The **Domestic Relations Subcommittee** met on Tuesday, March 28<sup>th</sup>, and the following bill was **passed to full committee**:

**HB 3261 (J. DeBerry)** which requires the Department of Children Services to consult with the Departments of Education and Human Services to establish at least five publicly or

privately funded teenage pregnancy programs. These model programs would need to focus at least one issue concerning family life education, pregnancy prevention, pregnancy counseling, prenatal care, parenting education, job training and placement, and educational support for teenagers.

The following bills were deferred to the call of the chair:

**HB 889 (Crider)**

**HB 3222 (Kelsey)**

The **Family Justice Subcommittee** met on Tuesday, March 28<sup>th</sup> and heard the following bills:

**HB 2143 (S. Jones)** clarifies that the Administrative Office of the Courts is responsible for providing guidelines and training for Guardians ad litem. The AOC will also be responsible for publishing a list of trained Guardians ad litem. This bill was passed to the full committee.

**HB 2529 (S. Jones)** establishes a presumption of sole custody in favor of one parent if the other parent has been convicted of a sexual assault against any child less than 18 years of age. An amendment was passed that would prevent the parent from having unsupervised visitation with their child.



The following bills were deferred 1 week:

**HB 2530 (S. Jones)**

**HB 3143 (DuBois)**

**HB 3230 (Crider)**

**HB 3605 (Stanley)**

The following bill was deferred to the end of the last calendar:

**HB 2767 (Hackworth)**

The following bills were deferred to the call of the chair:

**HB 2939 (Stanley)**

**HB 3209 (Stanley)**



## Full Committee

The **Commerce Committee** met Tuesday to consider 8 bills.

## Bills Moved to Calendar and Rules:

**HB 3454 (Coleman)** – This bill, as amended by the Commerce Committee, authorizes the Tennessee Real Estate Commission to dismiss complaints that are filed without probable cause. Further, it establishes a statute of limitations of one year from the time that any violations of the real estate code become known.

**HB 3537 (Overbey)** – This legislation aims to end the current delays experienced when motor vehicle salespersons move employment between dealerships. This bill changes this so that a salesperson can resume vehicle sales upon submission of paperwork to the Motor Vehicle Commission.



Vice Chair Curtiss

**HB 3475 (Curtiss)** – This bill makes certain changes to the timing when applying for a charter to become a state-chartered bank with the Department of Financial Institutions. It does not substantially change the process and the oversight that Financial Institutions has over this process. The change is directed in three areas of the process. First, it moves up the issuance date of the charter to begin as a corporate entity. Second, it accelerates the capital

gathering process, so that capital can be raised before the certificate of authority is granted. And, thirdly, it changes the amount required of the initial investors, so that less is required for interested individuals to invest of themselves to begin chartering a bank. The Commerce Committee amended the bill to address typos and incorrect code references within the printed bill.

**HB 2905 (Harrison)** – This bill ups the amount that an industrial loan and thrift company can charge as a late fee on a loan. The subcommittee acted to change the amount to a maximum of \$15.00, from \$17.50 in the printed bill.

## Bills Rolled One Week:

HB 2559 (Jones, S.)  
HB 3103 (Johnson, P.)

## Bills Rolled Two Weeks:

HB 1731 (Maddox)  
HB 2786 (McKee)

## Small Business

The **Small Business Subcommittee** did not meet Tuesday. Both bills were rolled before committee.

## Bills Rolled One Week:

HB 2775 (Johnson, P.)  
HB 3675 (Odom)

## Industrial Impact

The **Industrial Impact Subcommittee** met Tuesday with 17 bills on its calendar. Next week the subcommittee will be hearing a presentation from the Department of Commerce and Insurance on insurance options for the uninsured.

## Bills Moved to Full Committee:

**HB 3792 (Hood)** – As amended by Industrial Impact, this bill requires all city fire chiefs, within one year of their appointment, to undergo a sixteen hour course by the Tennessee Fire Service and Codes Enforcement Academy. The amendment to the bill clarifies and corrects the language within the bill.



Rep. Hood

**HB 3731 (Sargent)** – This bill, as rewritten by the Industrial Impact Subcommittee, changes the insurance statutes to end the practice of purchasing insurance policies on unknowing third parties for investment purposes. Exemptions are made for standing policies in effect before April 23, 1992, or for purchases made on behalf of or for gifts made to a tax-exempt organization.

**HB 0640 (Favors)** – This bill, as amended by the subcommittee, requires that TennCare MCOs reimburse physicians at federally qualified health centers from the date of their credentialing application. If the application for credentialing is denied, then the reimbursement is required to be recovered.

# Commerce

## Bills Rolled Two Weeks:

HB 2581 (West)  
HB 2582 (West)  
HB 3533 (Bunch)  
HB 3340 (Odom)  
HB 3290 (Kernell)  
HB 2879 (Hackworth)  
HB 2567 (West)  
HB 3321 (Matheny)

## Bills Rolled to Calendar on Mandates:

HB 0125 (Turner, M.)  
HB 2744 (Shepard)

## Bills Taken Off Notice:

HB 0902 (Lynn)  
HB 2150 (Briley)  
HB 2610 (Tidwell)  
HB 3801 (Jones, U.)

## Utilities and Banking

The **Utilities and Banking Subcommittee** met and had 6 bills on its calendar.

### **Bills Moved to Full Committee:**

**HB 3635 (McDaniel)** – This bill, which was amended by Utilities and Banking Subcommittee, prohibits the Tennessee Regulatory Authority from exercising jurisdiction over broadband services. Exceptions to this include intrastate services that were regulated before the effective date of this bill, the ability of the authority to arbitrate complaints of anti-competitive pricing, and the ability of the authority to set service rates and terms.

**HB 3076 (Curtiss)** – This bill enacts various revisions to clean up the language of the “Limited Licensed Plumbers’ Act of 2004.” It opens up the registration process to individuals who missed the original registration window, but still have the necessary qualifications under the provisions of the act; and it defines plumbing work for the purposes of the section, so as to exclude plumbing work done in the outdoors. It clarifies the amount of prior experience necessary to become licensed. Also, it clarifies that mobile home manufacturers, dealers, and installers, are not necessary to register under the provisions of this act. The legislation also puts in an exemption for persons licensed locally to perform plumbing work. The subcommittee amended the bill to authorize oral examinations for persons seeking to become licensed

under the provisions of this bill, but who may not be able to explain their craft in written tests.

Rep. McDaniel



## Full Committee

The full **Conservation and Environment Committee** did not meet this week. **HB3438** (Lynn) was rolled one week.

## Environment Subcommittee

The **Environment Subcommittee** met on Wednesday, March 29, 2006 to hear six bills. **HB2553** (Shaw), **HB3305** (Shaw), **HB3649** (Hawk), **HB3955** (Briley), **HB3992** (Tidwell) and **HB2906** (Harrison) were all deferred for one week.

## Parks and Tourism Subcommittee

The **Parks and Tourism Subcommittee** met Tuesday, March 28, 2006 to hear **HB3995** (McDonald), which was referred to full committee. The bill authorizes TDEC to award more than one recreation initiative grant per grand division in any year there are no applicants from another grand division. It also authorizes use of grants to hire additional personnel and increases the community match to \$50,000 during the first two years in grant program.

## Wildlife Subcommittee

The **Wildlife Subcommittee** met Tuesday, March 28, 2006 to hear seven bills. **HB2215** (Buck), **HB2677** (Cochran), **HB3430** (Odom), **HB3695** (B. Watson) and **HB3981** (Shepard) were taken off notice. **SJR44** (McCord), a constitutional amendment regarding the citizens' right to hunt, fish and harvest game, was amended to strip Senate amendments seven and nine to put the resolution in the form as it was introduced. The resolution was then deferred one week. **SJR70** (Tidwell), which creates a special joint committee to study declining duck population in Tennessee while recommending ways and means to rectify such problem, was referred to full committee after it was amended to correct the effective date of the resolution.

Rep. McDonald



The **Full Committee** met Tuesday, March 28, 2006. As sponsor of the bill, **Chairman West rolled HB 2578 one week** to the April 4, 2006 calendar. The bill requires that drug-free workplace credits given to a company be based on the company's premiums and spread equally over the payment schedule. This would benefit smaller companies by lowering their premiums.



**Rep. Mike Turner** presented **HB 3402**. This bill enacts the "Tennessee Minimum Wage Act" and establishes a minimum wage of \$6.15, one dollar higher than the federal minimum wage of \$5.15. According to the US Department of Labor two of the eight states bordering TN – Mississippi and Alabama – have no minimum wage and the other

six – Georgia, North Carolina, Virginia, Kentucky, Missouri, and Arkansas – have the same minimum wage as the federal government. **HB 3402 passed and was referred to Finance, Ways and Means Committee.**

## Consumer Affairs Subcommittee

The Consumer Affairs Subcommittee met Tuesday, March 28, 2006 to hear 37 bills. All the bills in committee were put on notice. Of those 37 bills, 15 were either taken off notice or withdrawn. Three bills were rolled to the last committee calendar and 17 were rolled a week or more.

**HB 2603 (Johnson R)** makes it an unfair or deceptive act to market a residence for sale as having more bedrooms than is permitted by building codes. Building codes with respect to the sewage system are based on the number of bedrooms in a residence. If prior to the completing the sale, the permitted number of bedrooms is disclosed in writing, then an offense would not have been committed.

Under the Tennessee Consumer Protection Act of 1977, a violation would be punishable as a Class B misdemeanor. **HB 2603 (Johnson R) passed to full committee.**

**HB 2626 (Hargett)** would make it an unfair or deceptive practice to require a consumer to pay a re-stocking fee when returning defective goods. Rep. Hargett presented an amendment that defines exactly what a defective good is. This bill does not restrict a company from charging a re-stocking fee when a consumer returns a purchase that works as it was intended to work. **HB 2626 with the amendment attached passed to the full committee.**

## Employee Affairs Subcommittee

The Employee Affairs Subcommittee met March 29, 2006 to hear 53 bills, the remainder of the bills in committee. Twenty-eight bills were either taken off notice or withdrawn. Eighteen bills were rolled one or more weeks. Two (2) bills were rolled to the last calendar. The remaining five (5) bills were acted on.

**HB 949 (Davis)** renders void all non-compete agreements between an employer and employee in which the compensation rate falls five percent (5%) or more below the compensation rate in effect the date the agreement was signed. The bill failed to pass out of committee.

**HB 2621 (McMillan)** enacts the "Pay Equity in the Workplace Act of 2006" to address discrimination against an employee on the basis of sex. The bill prohibits employers from paying a salary or wage rate to an employee that is less than the amount paid to an employee of the opposite sex for comparable work with comparable skill, effort, responsibility and similar working conditions.



Rep. McMillan offered three amendments; all were passed and attached to the bill. Amendment #1 corrected a typographical error. Amendment #2 inserted the language "regardless of age, race, color, religion, sex, handicap, marital status, or national origin" after the word "individual" when defining an employee. Amendment #3 clarifies that an employee is an individual employed by any employer within the state



# Consumer & Employee Affairs

of Tennessee including state employees.

**HB 2621 passed to the full committee with all three amendments.**

**HB 2815 (Moore)** makes it illegal to *knowingly* employ an illegal alien. Additionally the bill makes it illegal to encourage or induce an illegal alien to come to Tennessee for the purpose of employing him or her. **This bill passed to the full committee.**

**HB 2883 (Turner M)** authorizes unemployment benefits be paid to an individual who leaves work due to circumstances resulting from being a victim of domestic violence and/or stalking. Rep. Turner offered an amendment that would one paragraph to the appropriate section of the bill and that would address disclosure of information as provided by the victim. **The bill with the attached amendment was passed to full committee.**

**HB 3471 (Curtiss)** creates additional requirements for sponsoring trade associations pooling their workers' compensation liabilities such as pool participants must remain members of the sponsoring association.

Rep. Curtiss brought an amendment that would give the Department of Commerce and Insurance more oversight. Sponsoring associations would be required to submit annually confirmation that the participants are members of the sponsoring association. Further, the Commissioner of Commerce and Insurance has the authority to establish rules which would provide for civil penalties for violations.

**HB 3471 passed to the full committee with the amendment attached.**

Rep. Moore



The House Education Committee met on Wednesday and considered its calendar. Action follows.

## Referred to Calendar & Rules:

**HB 3526** – (Maddox) requires public higher education institutions to place in their catalogues, web sites, and employment contracts (that require academic credentials) a warning that misrepresentation of academic qualifications constitutes a Class A misdemeanor.

**HB 3870** – (Armstrong) creates guidelines by which a student with diabetes may possess at all times any necessary monitoring and treatment supplies including sharps.

**HB 2607** – (McCormick) deletes present law that a due process contested case hearing be held before a college foundation board may vote to remove a member and replaces it with language that such member is to be given an opportunity to address the board.

**HB 2841** – (Coleman) requires the TBI to adopt rules and regulations as to the form, general content, time, and manner of submission of crimes occurring on any higher education campus.

**HB 2847** – (Curtiss) adds Afghanistan Campaign Medal, Iraq Campaign Medal, and Army Combat Action Badge to those medals accepted to qualify for tuition and fee waiver at state institutions of higher education for dependents and spouses of prisoners of war and those killed during armed conflict.

## Referred to Calendar & Rules, if amended:

**HB 2674** – (Montgomery) sets guidelines for obtaining tenure for a tenured teacher who resigns and returns to teach. Guidelines include a one-year probationary period, unless waived by the school board upon request of the director of schools. Following that year, the teacher shall be eligible for tenure and recommended by the director of schools for such or non-renewed; provided the teacher cannot be continued in employment if tenure is not granted by the board.

**HB 3523** – (Maddox) allows for a one day excused absence from school for any student whose parent, custodian, or other person with legal custody is deployed for federal active duty and one day excused absence upon that person's return from deployment.



Rep.  
Montgomery

**HB 2923** – (Hill) encourages LEAs with new or expanded physical activity programs to report each year to the department of education for purposes of creating a model program

## Referred to Finance, Ways & Means:

**HB 3363** – (Maddox) allows children of public school teachers and technology coordinators to be eligible for a 25 percent tuition discount at state colleges and universities.

**HB 2544** – (Ferguson) allows children, under 24 years old, whose parent is a retired teacher with a minimum of 25 years of service or a technology coordinator to be eligible for a 25 percent tuition discount at state colleges and universities

**HB 3909** – (Litz) adds the action of a student making a bomb threat to a school to the list of zero tolerance measures in the law.

## Referred to Finance, Ways & Means, if amended:

**HB 2460** – (Hackworth) as amended, encourages each public school in the state to adopt a recycling program for that school.

## Deferred 1 week:

**HB 2973** – (Cooper)

**HB 3750** – (Fitzhugh)

**HB 3025** – (Maddox)

**HB 3055** – (McCormick)

**HB 3952** – (Briley)

**HB 2439** – (Turner, M.)

**HB 1408** – (Baird)

## Higher Education Subcommittee

The Higher Education Subcommittee met on March 29. The first part of the meeting focused on lottery legislation in the subcommittee. Dr. Brian Noland of THEC addressed elements of various proposals. The lottery bills were discussed and then deferred to April 5<sup>th</sup> for consideration. A list follows.

**HB 3040** – (Bunch)

**HB 1234** – (Shaw)

**HB 2619** – (McMillan)

**HB 3109** – (Cooper)

**HB 3312** – (Hargett)

**HB 2692** – (Kelsey)

**HB 2809** – (Winningham)

# Education

**HB 2811** – (Winningham)  
**HB 3715** – (Winningham)  
**HB 3716** – (Winningham)  
**HB 3720** – (Winningham)

Other committee actions follow.

## **Referred to Full Committee:**

**HB 3096** – (Winningham) makes various changes to the “Postsecondary Education Authorization Act of 1974.”

**HB 3097** – (Winningham) requires that any TSAC payments to nonpublic schools be changed to paying directly to the school.

**HB 3521** – (Maddox) requires students to have completed high school or obtained a GED to qualify for TSAC award. In addition, requires THEC to study and report on the necessity of requiring all for-profit postsecondary schools, seeking authorization to operate, be accredited by a regional association.

**HB 3262** – (Fitzhugh) requires that public schools of higher education give preference to Tennesseans for admission.

**HB 3373** – (Winningham) specifies certain admission standards in public institutions of higher education for out-of-state students and requires qualified Tennessee residents preference for admission.

**HB 3417** – (McMillan) allows public schools of higher education to provide free Wi-Fi Internet access on campus.

## **Referred to Full Committee, if amended:**

**HB 2934** – (Winningham) makes changes in fees charged for auditing college courses.

## **Deferred 1 week:**

**HB 2658** – (Bunch)  
**HB 3091** – (Winningham)  
**HB 4037** – (McMillan)  
**HB 3485** – (DeBerry, J.)

## **Deferred 2 weeks:**

**HB 3250** – (Brown)  
**HB 3341** – (Fitzhugh)  
**HB 2547** – (Hackworth)  
**HB 3811** – (Marrero)

## **Taken Off Notice:**

**HB 3403** – (McMillan)  
**HB 3425** – (McMillan)  
**HB 2386** – (DeBerry, J.)  
**HB 3106** – (Eldridge)

## **K-12 Subcommittee**

The K-12 Subcommittee met on Tuesday and took the following actions.

## **Referred to Full Committee:**

**HB 3027** – (Maddox) requires annual state contribution of not less than 50 percent of total participation cost of basic insurance for local education employees.

**HB 3099** – (Winningham) requires the department of education to address health insurance cost for system employees and submit a plan to the house and senate education and finance, ways and means committees.

**HB 3170** – (Winningham) directs the state insurance committee to establish a contribution amount for health insurance premiums of retired teachers in a plan other than the basic insurance plan.

**HB 3791** – (Winningham) requires education and athletic associations whose administrative employees participate in TCRS to report to the board of trustees of reemployment of any retired member.

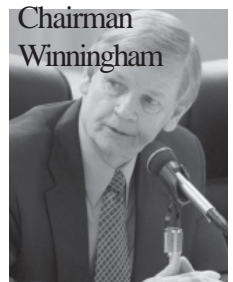
**HJR 857** – (Winningham) urges the governor to aid financially LEAs offering transportation services.

**HB 2812** – (Winningham) redistributes unclaimed lottery prize money from 50 percent to 100 percent for after school programs special account.

**HB 2823** – (Winningham) in the event of a natural disaster, allows commissioner of education to grant a waiver on class size.

**HB 3172** – (Winningham) permits LEAs to seek waivers on any rule or statute that inhibits its ability to achieve its mission.

**HB 3198** – (Vaughn) allows LEAs to use local government procurement procedures rather than those in statute.



Rep. Vaughn



# Education

**HB 2863** – (Winningham) removes language in the Code regarding discriminatory action toward a teacher based on age.

## **Deferred 1 week:**

**HB 2657** – (Bunch)  
**HB 2606** – (McCormick)  
**HB 3376** – (Winningham)  
**HB 2659** – (Bunch)  
**HB 2810** – (Winningham)  
**HB 3248** – (Brown)  
**HB 3063** – (Maggart)  
**HB 3093** – (Winningham)  
**HB 3138** – (DuBois)  
**HB 3292** – (Kernell)  
**HB 3624** – (Curtiss)  
**HB 3660** – (Maddox)  
**HB 3666** – (McCormick)  
**HB 3753** – (Overby)  
**HB 3819** – (DeBerry, J.)  
**HB 3197** – (Winningham)  
**HB 2967** – (Marrero)  
**HB 3975** – (Harwell)  
**HB 3095** – (Winningham)  
**HB 3847** – (Bunch)  
**HB 3928** – (Maggart)  
**HB 3976** – (Rowland)  
**HB 2675** – (Cochran)  
**HB 2807** – (Winningham)  
**HB 2653** – (Bunch)  
**HB 2681** – (Campfield)  
**HB 3098** – (Winningham)  
**HB 3796** – (Hood)  
**HB 2935** – (Winningham)  
**HB 3168** – (Winningham)  
**HB 3852** – (Gresham)  
**HB 3853** – (Gresham)  
**HB 2808** – (Winningham)

## **Deferred 2 weeks:**

**HB 3754** – (McCormick)  
**HB 3764** – (Brown)

## **Deferred 3 weeks:**

**HB 3841** – (Casada)

## **Deferred to Last Calendar:**

**HB 251** – (Stanley)  
**HB 3964** – (Shepard)  
**HB 3387** – (Shepard)

## **Taken off Notice:**

**HB 3381** – (Borchert)  
**HB 3815** – (Sargent)  
**HB 2904** – (Brooks, Harry)  
**HB 3374** – (Winningham)  
**HB 3529** – (Harwell)  
**HB 2822** – (Winningham)



## The Full Committee

The House Finance, Ways, and Means Committee met on Tuesday, March 28, 2006 with ten bills and one resolution on calendar; **all were recommended for passage and referred on to Calendar and Rules.** A listing and brief description of these bills follows:

**HB 2969** by **Rep. Cooper** places a \$400 cap on driver license reinstatement fees that had been imposed for certain suspensions related to traffic citations. The Finance Committee amended the legislation adding a sunset provision of two years to the bill.

**HB 2044** by **Rep. Maddox**, as amended in Finance, authorizes the Commissioner of Commerce and Insurance to impose civil penalties upon finding that a workers' compensation insurer has unlawfully assessed an employer's premium. The Commissioner is further authorized to promulgate rules to assess the costs of any administrative hearing to the parties involved. The second Finance amdt. corrects the effective date of the bill.

**HB 3247** by **Rep. Brooks (Knox)** expands the authority of the Tennessee Law Enforcement Training Academy to provide specialized training to other government or private sector employees who are not law enforcement officers but whose work impacts public safety.



**HB 2509** by **Rep. Cobb** designates a certain bridge on US Hwy. 41A in the City of Eagleville as the John Redmond Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

**HB 3738** by **Rep. Fitzhugh** amends bond bills from the past 13 years to provide for the making of grants to counties, metropolitan governments, towns, cities, special districts, and any agencies thereof if the project grant is approved by the state building commission.

**HB 3089** by **Rep. Litz** designates a certain bridge on State Route 66 in Hamblen County as the Dr. Hubert J. Bell, Jr. Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

**HJR 780** by **Rep. Johnson (Loudon)** designates State Route 72 in its entirety in Blount, Loudon, Monroe, and Roane counties as the 278th RCT Memorial Highway. The monies for the sign installation will come out of the highway fund in accordance to TCA §54-1-133.

**HB 2776** by **Rep. Maggart** designates a certain segment of State Route 174 in Sumner County as the Bethel Brown Highway. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

**HB 3551** by **Rep. McCord** exempts church-owned property in premier-type tourist resorts from special property taxation assessment. Currently, such properties may be assessed an amount to assist in the payment for infrastructure improvements for which improvement bonds have been issued.

**HB 3205** by **Rep. Odom** authorizes licensed chiropractors in this State to practice acupuncture as part of their practice.

**HB 2523** by **Rep. Sargent** authorizes the City of Brentwood (*"cities with a population above 20,000 according to the last federal census and having a city manager – commission form of government"*) to increase the number of city commissioners from five to seven. This must be done by adoption of city ordinance. If such ordinance is adopted by the commission, then it must be approved by popular vote. This piece of legislation is permissive.

The committee also heard the testimony of Commissioner John Keys representing the Department of Veterans Affairs on Tuesday, March the 28<sup>th</sup>.

Looking to the future, Commissioner Dave Goetz's presentation on the Safety Net has been rescheduled for Tuesday, April 4<sup>th</sup> following action on the committee's calendar of bills. The Department of Aging and Disability will be at a future date to be determined and later announced.

## The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, March 29, 2006, with 43 bills on calendar.

# Finance, Ways and Means

Subcommittee Actions for these bills are as follows:

## Off Notice:

HB 1940 – West (*at the request of the sponsor*)

## Behind the Budget:

HB 3950 – Briley

HB 320 – Davidson

HB 451 – Hill

HB 2491 – Borchert

HB 2494 – Borchert

HB 2837 – Coleman

HB 2838 – Coleman

HB 2642 – Coleman

HB 3832 – McMillan

HB 2614 – Tidwell

HB 142 – Turner (Davidson)

HB 3566 – Turner (Davidson)

HJR 729 – Turner (Davidson)

## Behind the Budget with an Amendment

HB 2777 – Overbey – Budget Subcommittee Amendment No. 1 was adopted and then the bill was placed behind the budget: BSA#1 requires that funding for this bill be earmarked out of funds made available to the State Board of Equalization or the Division of Property Assessments by the General Appropriations Act and that no additional appropriation be made for the purpose of funding this bill.

## Deferred to the Last Calendar

HB 3362 – Miller

## Deferred One Week:

HB 2848 – Curtiss

HB 3042 – Hackworth

HB 2768 – Hargett

HB 2465 – Stanley

HB 2126 – McMillan

HB 3677 – Odom

HB 0057 – Shaw

## Deferred Two Weeks:

HB 456 – Davidson

HB 3709 – Armstrong

## The following bills were referred to Full Committee:

**HB 3090 – Davidson** – exempts from any business tax liability farmers who provide services to other

farmers for the planting or harvesting of agricultural products or for the preparation, improvement, or maintenance of land used in the production of agricultural products.

**HB 3532 – McDonald** – designates a certain bridge on SR 386 in Sumner County (Vietnam Veterans Blvd.) as the Danny S. Young Memorial Bridge. The late Danny S. Young was killed in the line of duty on March 2, 1968, while serving the United States Army in Vietnam.

**HB 2447 – McDonald** – requires all insurers authorized to transact property insurance in the State of Tennessee to make available coverage for insurable sinkhole losses on any structure, including contents of personal property contained therein. As amended by the Commerce Cmte., the requirement that all property insurers who have policies in effect in the state must cover damage by sinkholes was deleted. The Commerce amendment requires that all companies that offer homeowner's property insurance offer additional, optional coverage for sinkholes.

**HB 1362 – Overbey** – as amended in Judiciary, this bill deletes the population restriction applicable to Shelby County and allows any county to opt in to establish and collect a \$2.00 archives and records management fee for public records filed.

**HB 3108 – Cooper** – as amended in the Consumer & Employee Affairs Committee, which rewrote the bill, requires a dealer of pre-owned vehicles to provide emissions testing and vehicle inspection upon request of the purchaser, under certain circumstances:

- when the purchase to be made is from a dealer under a title retention agreement or a conditional sales contract,
- when the purchase is made in a city that requires the testing and inspection,
- if the vehicle is to be registered by the purchaser in the county where such city is located, and
- if the vehicle has not been tested or inspected within ninety (90) days prior to the consummation of the sale of such motor vehicle.

A violation is punishable through the levying of civil penalties and is a Class C misdemeanor. If the vehicle fails the emissions test or the inspection, the purchaser may waive in writing the provisions set forth by this legislation.

# Finance, Ways and Means

These provisions may also be waived by written agreement of the purchaser and seller of the motor vehicle prior to inspection.

**HB 1360 – DeBerry, J.** – as amended in the Judiciary Committee, authorizes counties who are operating programs for victims of crimes to charge a \$45.00 fee to people convicted of a crime where the penalty imposes a fine of not less than \$500. A county may elect to establish such a program to assist victims of crime. The types of programs include rape crisis centers, domestic violence shelters, victims of crime hotlines and information groups, counseling, and crisis intervention programs.

Rep. Ferguson



**HB 2434 – Ferguson** – designates a certain segment of State Route 58 in Roane County as the Deputy Alan Wayne Shubert Memorial Highway and directs the Department of Transportation, in accordance with TCA §54-1-133, to manufacture and erect suitable signs. Monies for these

signs will come out of the Highway Fund. The late Roane County Sheriff Deputy Alan Wayne Shubert was killed in the line of duty while attempting to stop and apprehend a drunk driver in 1979.

**HB 2452 – Ferguson** – designates a certain segment of State Route 58 in Roane County as the Deputy Dennis Ray Armes Memorial Highway, and directs the Department of Transportation, in accordance with TCA §54-1-133, to manufacture and erect suitable signs. Monies for these signs will come out of the Highway Fund. The late Dennis Ray Armes, Deputy of the Roane County Sheriff's Department, was shot and killed in the line of duty after stopping a vehicle on the portion of the highway that this bill names in his memory.

**HB 2453 – Ferguson** – designates a certain segment of State Route 58 in Roane County as the R.L. (Bob) Collier Parkway. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs. Mr. Collier served Roane County for thirty-two years, of which twenty of those years he astutely served as the county's road supervisor. The Roane County Commission petitioned the legislature to name a segment of this highway in honor of Mr. Collier.

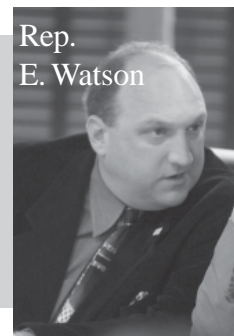
**HB 3744 – Fitzhugh** – changes the manner in which private carriers are assessed. Currently, carriers are assessed centrally by the State and then value

is apportioned to various taxing jurisdictions based upon the percentage of business conducted in various locations. According to the provisions of this bill, they will be assessed locally, where the company is situated.

**HB 2668 – Hensley** – designates a certain segment of US Hwy 412 in Lewis County as the Alan Ragsdale Memorial Highway, and directs the Department of Transportation, in accordance with TCA §54-1-133, to manufacture and erect suitable signs. (Monies for these signs will come out of the Highway Fund.) The late Alan Ragsdale was killed in the line of duty while serving as an officer of the Hohenwald Police Department.

**HB 3494 – Watson, E.** – designates a certain segment of US Hwy 411 in Polk County as the First Lieutenant I.J. Wright Memorial Parkway. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

Rep.  
E. Watson



**HB 2954 – Montgomery** – establishes the Tennessee State Emergency Fund to be used exclusively to provide grants for emergency relief efforts. This bill establishes the fund but does not allocate any monies to the fund. The fund may receive private donations and may receive monies provided by the state in the general appropriations act. The fiscal impact to statutorily establish the fund is not significant. An amount exceeding \$1,000,000 in state funds would be needed to provide such grants for emergency relief efforts absent significant private donations.

**HB 2915 – Mumpower** – designates the interchange at US Hwy 11E and State Route 394 in Sullivan County as the Larry Carrier Memorial Interchange - Founder of Bristol International Speedway. Designating signs shall be erected only if Sullivan County remits the funds to manufacture and erect such signs.

**HB 2916 – Mumpower** – designates a certain bridge on State Route 34 in Johnson County as the Robert Taylor Scott Memorial Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

**HB 3647 – Mumpower** – designates a certain bridge on State Route 126 in Sullivan County as the Dr. James A. Street Memorial Bridge. Designating signs shall be

# Finance, Ways and Means

erected only if non-state funds are used to manufacture and erect such signs.

**HB 2558 – Shaw** – designates a certain bridge on SR 125 in Hardeman County as the Sheriff Bennie E. Howell Memorial Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

**HB 3818 – Shepard** – designates a certain bridge on SR 840 in Williamson County as the Sgt. Roger D. Rowe Memorial Bridge. The cost of the signage shall be funded in accordance with TCA §54-1-133. (Monies for these signs will come out of the Highway Fund.) The late Sgt. Roger D. Rowe was killed in the line of duty while serving in Iraq. Though his unit of the Tennessee National Guard, Detachment 1, 771st Maintenance Company of Hohenwald had not been called up, Sgt. Rowe volunteered to deploy with the 1174th Transportation Company of Dresden and Newbern when it issued a call for truck drivers. According to the bill, he was the first Tennessee National Guardsman to be killed in Iraq.





The Government Operations Committee met on Wednesday, March 29<sup>th</sup> to consider 33 pieces of legislation. **HB 3354 (Turner, M.)**, **HB 3429 (Odom)**, **HB 3356 (DeBerry, J.)**, **HB 2656 (Bunch)**, **HB 3962 (McMillan)** and **HB 3573 (Kernell)** were all deferred for one week. **HB3153** by Representative Mike Turner was taken off notice and **HB 3674** by Representative Odom was rolled for two weeks.

The following bills were considered in committee for review and referral for other standing committees based on rulemaking only and passed with a positive recommendation:

- **HB 3416** by Representative McMillan - passes to the State and Local Government Committee. Rulemaking is implemented by the State Coordinator of Elections.
- **HB 2902** by Representative Brooks (Shelby) - passes to the Health and Human Resources Committee. Rulemaking is promulgated by the Department of Finance and Administration.
- **HB 3515** by Representative Casada passes to the Agriculture Committee. Rulemaking is promulgated by the Department of Agriculture.
- **HB 3379** by Representative Langster - passes to the State and Local Government Committee. The Commissioner of Health will provide uniform guidelines for use by each department.
- **HB 3707** by Representative Armstrong - passes to the Health and Human Resources Committee. The Commissioner of the Department of Health will oversee rulemaking.
- **HB 3204** by Representative Odom - passes to the Commerce Committee. The Commissioner of Commerce and Insurance will implement rulemaking.
- **HB 2648** by Representative Odom - passes to the Health and Human Resources Committee. This legislation revises some licensure requirements for occupational therapists. The Board of Occupational and Physical Therapy Examiners is designated rulemaking authority.
- **HB 3972** by Representative Cobb - passes to the Agriculture Committee. The Board of Veterinary Medical Examiners will promulgate the rules and regulations.
- **HB 3350** by Representative R. Johnson - passes to the State and Local Government Committee. The Commissioner of the

Department of Environment and Conservation will promulgate rules and regulations. The department will convene an advisory committee in order to develop the rules necessary to implement this act.

- **HB 3511** by Representative Tindell - passes to the Agriculture Committee. \* An amendment placed on the bill changed all references, including rulemaking authority, from the Department of Health to the Department of Agriculture.
- **HB 3399** by Representative McMillan - passes to the Commerce Committee. The Commissioner of Health may promulgate rules.
- **HB 4008** by Representative McMillan - passes to the Health and Human Resources Committee. This bill will implement the "Cover Tennessee" initiative outlined by the Governor. The Department of Finance and Administration will be given rulemaking authority in order to implement eligibility guidelines.
- **HB 3541** by Representative Kernell - passes to the Health and Human Resources Committee. The Department of Human Services is designated to promulgate rules and regulations.
- **HB 2589** by Representative Hackworth - passes to the Commerce Committee. Rulemaking will be implemented by the Department of Economic and Community Development. \* An amendment was placed on the bill that would add a Title VI provision to make it compliant with the Civil Rights Act of 1964.
- **HB 3249** by Representative Brown - passes to the Education Committee. The State Board of Education, on the recommendation of the Commissioner of Education, is authorized to promulgate rules.
- **HB 2913** by Representative Mumpower - passes to the Health and Human Resources Committee. The Commissioner of Finance and Administration is designated rulemaking authority.
- **HB 3210** by Representative Moore - passes to the State and Local Government Committee. This bill authorizes the Department of Agriculture to promulgate rules and regulations.
- **HB 3236** by Representative Marrero - passes to the Transportation Committee. The Department of Safety will be required to

# Government Operations

promulgate rules and regulations in order to maintain an electronic registry of Tennesseans who have consented to donating their organs and/or tissue.

## Other Legislation

The Committee reviewed and referred **HB 2192** by Representative Kernell to the State and Local Government Committee with a positive recommendation. This legislation creates the West Tennessee Seismic Safety Commission that will be administratively attached to the Department of Environment and Conservation. The committee will study ways to handle extensive damage in the event of an earthquake.

**HB 2789** by Representative Russell Johnson was reviewed and referred to the Transportation Committee with a positive recommendation. Under this legislation, the Department of Safety will establish guidelines for licensing and regulating driver improvement schools. In addition, the Department of Safety will be authorized to promulgate rules and regulations in order to enforce the provisions of this act.

The committee reviewed and referred **HB 3676** by Representative Odom to the Commerce Committee with a positive recommendation. Known as the “Tennessee Public Adjuster Licensing Act of 2006,” this legislation establishes the framework to license and regulate public adjusters in Tennessee. The bill details the requirements for applying for a Public Adjusters Licenses as well as outlining any disciplinary or civil actions that may be taken against a Public Adjuster. An amendment placed on the bill would delete Section 18 (e) of the bill and would require that rules and regulations determine conflict of interest relationships.

**HB 2919** by Representative Todd was reviewed and referred to the Commerce Committee with a positive recommendation. This legislation creates a licensing structure for fireworks exhibitors. In addition, the bill sets up a Fireworks Advisory Council that will consist of nine members that will be appointed by the state fire marshal. The members will serve a two year term and shall serve without compensation. As amended, the advisory council will adopt rules of procedure in order to govern its proceedings.

**HB 3784** by Representative Rinks was reviewed and referred to the State and Local Government Committee with a positive recommendation. This legislation will

create the Military Family Assistance Trust Fund Board. The six member board will oversee funds used to support Tennessee military families whose financial uncertainty is due to a family member being deployed for active duty outside of the United States.

The committee reviewed and referred **HB2536** by Representative Kernell to the Commerce Committee with a positive recommendation. Dubbed the “TennCare Reform, Ethics and Accountability Act of 2006”, this legislation makes several changes to the TennCare program. This legislation establishes an advisory committee to oversee the establishment and operation of disease management programs for TennCare enrollees. This committee will consist of five members and will advise the Commissioner of Health regarding the implementation of an effective program of disease management. In addition, the bill requires the Commissioner of Health to set up a Therapeutic Substitution Committee. This committee will be empowered to develop a continuing set of guidelines for pharmacists to follow deciding which drugs are therapeutically equivalent and may safely be substituted. The committee will consist of eight members and shall serve a three year term and are eligible to succeed themselves for one additional term.

## Joint Government Operations Sub-Committee

On Monday, March 27<sup>th</sup>, the General Welfare, Health and Human Resources Subcommittee of the Joint Government Operations Committee met for a sunset hearing to review the entities involved in the Health Related Boards Audit. Representative Henri Brooks serves as Chair of this subcommittee. The entities that are included in the Health Related Boards Audit include:

Board of Chiropractic Examiners  
Board of Communication Disorders and Sciences  
Board of Dentistry  
Board of Dietician/Nutritionist Examiners  
Board of Examiners for Nursing Home Administrators  
Board of Examiners in Psychology  
Committee on Physician Assistants  
Board of Nursing  
Board of Optometry  
Board of Registration in Podiatry  
Board of Veterinary Medical Examiners  
Committee for Clinical Perfusionists  
Council of Certified Professional Midwifery  
Council for Licensing Hearing Instrument Specialists  
Emergency Medical Services Board  
Advisory Committee for Acupuncture  
Medical Laboratory Board

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After discussion of the audit findings, the committee recommended that all of the Health Related Boards be re-authorized for four years. The recommendations will now progress to each of the Government Operations Committees for further consideration and possible amendments.

## Full Committee

The **Health & Human Resources Committee** met Tuesday morning, March 28, 2006, to consider eight pieces of legislation, **referring five to C&R**. **HJR 0935** (Todd) designates March 2006 as “Kidney Cancer Awareness Month.” **HB 2998** (McMillan, DeBerry, J.) requires the Department of Mental Health & Developmental Disabilities to reimburse licensed supportive living facilities for the mentally ill for each resident whose income is limited to payments under the Social Security Act and does not exceed the monthly SSI Federal Benefit Rate. Rep. DeBerry noted that this housekeeping legislation will remove arbitrary income limits from existing statute. **HB 2827** (Odom) as amended revises existing claims data reporting requirements for ambulatory surgical treatment centers (ASTCs) and outpatient diagnostic centers (ODCs) and deletes the statutory provision that authorizes the Tennessee Hospital Association to review and copy such claims data earlier than when it is made available to the public. The amendment further clarifies the claims data reporting requirements for ASTCs and ODCs to restrict collection and reporting of such data to the extent that it would be collected and reported in the normal billing process unless otherwise deemed essential to the reporting system by the Commissioner of Health. Such data reporting outside the normal billing process must be consistent with data collected and reported by other healthcare providers. Claims data for ASTCs and ODCs would not be made available to the public more frequently or any sooner than claims data collected and reported by hospitals. **HB 3228** (Odom) requires the Board of Social Worker Certification and Licensure to promulgate rules for the issuance of temporary certificates for master social workers who hold the degree of master or doctor in social work granted by an institution which has applied for, but has not yet received, accreditation by the Council on Social Work Education and authorizes a temporary certified master social worker to apply for a license to engage in independent practice. **HB 3383** (Shepard) as amended requires the Department of Health to enter into a memorandum of understanding with the Tennessee Primary Care Association, the Tennessee Hospital Association, and the Tennessee Rural Health Recruitment and Retention Center to work cooperatively with respect to the annual Health Professional Shortage Area (HPSA) designation process. The amendment requires the Commissioner to consult with F&A and any other state agency involved in the administration of a safety-net

program when preparing the annual report to the General Assembly.

Rep. Curtiss took **HB 2632** (task force to study prescription drug use in Tennessee) off notice. Rep. Odom rolled **HB 3560** (prescription drug redispensing pilot program for nursing homes and hospice programs) two weeks for consideration of additional amendatory language. Rep. Odom presented **HB 3585** that exempts certain online nursing diploma programs from Board of Nursing approval. The committee stood in recess to hear opponents and proponents speak on this bill. Subsequent to the testimony, Rep. Odom rolled **HB 3585** one week at the request of Rep. Marrero. Additionally, Chairman Armstrong requested a representative of the Board of Nursing appear before the committee next week to provide testimony on the board’s denial of the program application that is the subject of **HB 3585**.

After completing the calendar, Chairman Armstrong announced that committee members would be contacted for their preference on whether or not to have budget hearings for the Departments of Health, Human Services, and Mental Health & Developmental Disabilities during H&HR committee meetings. Rep. Pruitt requested Chairman Armstrong dedicate one entire committee meeting to the budget hearings, and schedule all the commissioners before the committee on that day certain.

## Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** had two bills on calendar Tuesday afternoon, March 28<sup>th</sup>. Rep. Maddox appeared before the subcommittee to request that **HB 3026** (ICF/MR beds) be rolled one week for amendatory language. **HB 3067** (Shepard) that requires healthcare facilities with an average daily census of at least 25 inpatients or outpatients to join CDC’s National Nosocomial Infection Surveillance/National Healthcare Safety Network surveillance system, requires the Commissioner of Health to establish a taskforce to clarify Class I



Rep. Shepard



# Health & Human Resources

and Class II surgical site infections in the *Interpretive Guidelines for Reporting Unusual Events*, and requires the committee established by the Department of Health to report on hospital-acquired infections to continue to meet at least biannually was **referred to full committee**.

## Mental Health Subcommittee

The **Mental Health Subcommittee** met Tuesday afternoon, March 28<sup>th</sup> with three bills on notice. **HB 2757** (Pinion) as amended that exempts from nursing licensure requirements the administration of prescription medication, other than injections, to mentally or physically impaired persons by a staff member of a home-based assistance facility that provides personal support services was **referred to full committee**. **HB 3517** by Rep. Cochran (limits testing of juveniles under federal mental health programs and sets out guidelines which LEAs must follow) was rolled one week. **HB 3562** (Odom) that authorizes the Commissioner of Health to establish a pilot project with the local health department in Davidson County for the delivery of certain behavioral health services was **referred to full committee** after testimony from proponents and opponents of the legislation and discussion of possible amendatory language to expand the pilot project counties. The pilot project authorized by HB 3562 would be in existence for five years, target the underinsured and uninsured residing in the pilot county, and require some form of local match, which may be in-kind services.

## Public Health Subcommittee

The **Public Health Subcommittee** met Wednesday morning, March 29, 2006, with two bills on calendar. Rep. H. Brooks (Shelby) presented **HB 3839** as amended concerning licensure as a natural hair stylist or natural hair stylist technician. After public testimony, Rep. Brooks rolled the bill one week at the request of Rep. Favors. Chairlady Pruitt noted that a representative of the Board of Cosmetology would be asked to testify at next week's meeting. Rep. Favors took **HB 2910** (Child Nutrition and Wellness Act) off notice.

## Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met at noon on Wed., March 29th

with 18 bills on notice, **referring five to full committee**. **HB 3536** (Overbey) as amended authorizes certain reasonable non-compete clauses between a physician and the employing medical group practice. The amendment removes radiologists and anesthesiologists from the provisions of the bill. **HB 2758** (Favors) as amended decreases the number of members on the Council of Certified Professional Midwifery from nine to six, changes the meeting requirements from twice a year to once a year, and changes the renewal of a midwife certificate from three years to two. **HB 3203** (Odom) as amended that defines "surgical technologist," requires a surgical technologist to maintain current national certification and complete an accredited program for surgical technology, and revises existing statutory provisions of alternative qualifications for employment as a surgical technologist was referred 5-3-1 on a roll call vote. **HB 3683** (Clem) authorizes the Department of Agriculture to issue a "certificate of free sale" to food, drug, or cosmetics manufacturers or distributors. **HB 3795** (Hood) as amended authorizes boards of allied health care professions to enter into agreements with nonprofit agencies or other state agencies for the purpose of evaluating the allied health care workforce. The amendment defines "allied health professionals" pursuant to federal code.

Rep. M. Turner presented **HB 3835** that specifies to whom claims for anatomic pathology services can be submitted for payment. After considerable discussion and testimony from proponents and opponents of this legislation, Rep. Turner rolled HB 3835 one week. Rep. L. DeBerry rolled **HB 1288** (surgery under anesthesia outside of a hospital or ambulatory surgical treatment center) to the last calendar. The remaining 11 bills on calendar were rolled one week, with sponsors noting

the need for testimony and/or amendments on most of the bills: **HB 0850** (Johnson, R.), **HB 0851** (Johnson, R.), **HB 1759** (Overbey), **HB 1892** (McDaniel), **HB 2561** (Shepard), **HB 3384** (Shepard), **HB 2896** (West), **HB 3882** (Odom), **HB 3718** (Winningham), **HB 3719** (Winningham), and **HB 3800** (Jones, U.).



On Tuesday, the Full Judiciary Committee met to discuss thirty-seven bills. The House Judiciary Committee heard from many speakers, but the most memorable would have to be John Jay Hooker Jr. speaking on HB 3304 by Rep. Niceley creating an elective office of the Solicitor General. Due to time constraints, a number of bills were rolled for one week. HB 2852 by Rep. Pleasant was sent to Calendar & Rules. This bill allows county registers to designate an individual to serve in their place as an ex officio member of the county public records commission.

The following bills were approved for passage and **sent to the Finance, Ways, and Means Committee:**

- **HB 3088 by Rep. S. Jones** requires employees of juvenile detention centers and temporary holding facilities to submit to background checks currently required by all other child care providers.
- **HB 3304 by Rep. Niceley** creates an elective Office of the Solicitor General allowing any candidate for the office of solicitor general to be qualified as a political party candidate. Among the many changes, the bill gives the solicitor general jurisdiction, supervision, and administrative control over the Tennessee Registry of Election Finance.

The following bills were rolled for 1 week:

HB 2931 by Rep. Cochran  
 HB 3058 by Rep. Cochran  
 HB 638 by Rep. Cochran  
 HB 1389 by Rep. Brooks (Knox)  
 HB 180 by Rep. R. Johnson  
 HB 3840 by Rep. R. Johnson  
 HB 3870 by Rep. R. Johnson  
 HB 2625 by Rep. McMillan  
 HB 4018 by Rep. McMillan  
 HB 3413 by Rep. McMillan  
 HB 2840 by Rep. Coleman  
 HB 3878 by Rep. Coleman  
 HB 3579 by Rep. Coleman  
 HB 3643 by Rep. Todd  
 HB 2824 by Rep. Todd  
 HB 2061 by Rep. Todd  
 HB 2825 by Rep. Todd  
 HB 3212 by Rep. Kelsey  
 HB 3217 by Rep. Kelsey

HB 2649 by Rep. Godsey  
 HB 3880 by Rep. Stanley  
 HB 2504 by Rep. Harmon  
 HB 3578 by Rep. Sontany  
 HB 3360 by Rep. Sontany  
 HB 3433 by Rep. Bone  
 HB 3446 by Rep. Lynn  
 HB 3465 by Rep. Curtiss  
 HB 3956 by Rep. Briley  
 HB 3235 by Rep. Fowlkes

Rolled 2 weeks:

HB 2772 by Rep. Bunch  
 HB 3953 by Rep. Briley  
 HB 779 by Rep. Clem

Off Notice:

HB 289 by Rep. Hargett  
 HB 849 by Rep. R. Johnson

## Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss forty-three bills. This was the last meeting of Civil Practice & Procedure Subcommittee. HB 2683 by Rep. Campfield, which dealt with eminent domain failed. HB 3607 by Rep. Stanley failed for a lack of a 2<sup>nd</sup>. This bill limited the liability of certain 501(c) corporations. HB 3688 by Rep. Buck failed. This bill addressed private act metropolitan hospital authorities. The intent of the bill is to ensure these authorities are not exempt from antitrust laws that are applicable to private hospitals. HB 3693 by Rep. Overbey failed. Among many things, this tort reform bill revises the current medical malpractice damage provisions by decreasing awards of non-economic losses to \$250,000 monetary cap against all health care practitioners and health care facilities that are named defendants.

Summer Study:

HB 2950 by Rep. Stanley  
 HB 2952 by Rep. Stanley

The following bills were **approved for passage to the Full Judiciary Committee:**

**HB 2678 by Rep. Baird**, as amended, creates a

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statutory lien on gas, oil, or other mineral leaseholds for a person who performs labor or furnishes materials. The lien takes effect at the time of the delivery of the materials or labor and if it is unpaid, the lien will expire after 90 days unless the person files a sworn statement with the register's office where the leasehold is located. This lien will have precedence over all other subsequent liens or conveyances after the time of attachment.

- **HB 3068 by Rep. Curtiss**, as amended, requires owners that enter into contracts for the improvement of real property with a contractor, when the contractor duly performs within the provisions of the contract, be paid within 30 days after application for payment is timely submitted by the contractor. This time limitation applies to contractors who contract with a subcontractor, materialman, or furnisher who has performed within the provisions of the contract be paid within this 30 days period after application for payment is made.
- **HB 3393 by Rep. McMillan**, as amended, requires that a petition required to administer an estate include a statement indicating whether a decedent was or wasn't a Medicaid or TennCare recipient. The amendment provides new language that requires the personal representative of an estate, within the sixty day period, to execute and file with the clerk of court an affidavit that the bureau of TennCare has been notified of the decedent's death. Also, it adds the language that there can be an adjustment or recovery of any payment for medical assistance under the estate only after a surviving spouse dies and there is no child under 18 yrs. old or no surviving child who is blind or permanently disabled or a child who became blind or permanently disabled after reaching majority if the TennCare Bureau and the personal representative agree that such repayment would constitute an undue hardship to the child.
- **HB 3462 by Rep. Buck** requires the condemner to pay for any discretionary court costs in condemnation cases if the amount of the compensation awarded is in excess of the amount deposited by the condemning agency with the court clerk.
- **HB 3581 by Rep. Coleman**, as amended, provides definitions for liquefied petroleum gas provided and gas equipment as well provides immunity from civil liability to a liquefied petroleum gas provider if the proximate cause of injury or damages are caused by alteration, modification, or repair of the equipment that couldn't be discovered by the provider in the exercise of due care; or the equipment is used in some unintended use or that could've been foreseen provided the provider gave reasonable warnings of misuse. Also, it prohibits a defendant from alleging that a person or entity caused or contributed to the plaintiff's injuries unless the plaintiff could bring an action against that person.
- **HB 3606 by Rep. Stanley** allows the court to appoint a person not named in a decedent's will or related to the decedent to administer a small estate if all competent adult legatees or devisees or if not will, heirs or next of kin consent in writing to the appointment.
- **HB 3662 by Rep. Hill** deletes authorization for public disclosure of health care provider's home address when the address is listed as the work address as part of a provider profile under the Health Care Consumer Right to Know Act of 1998.
- **HB 3843 by Rep. Lynn**, in an attempt to review the efficiency and function of water and wastewater entities, requires water and wastewater entities to give notice and conduct a public hearing to receive testimony from the public to review the entity's success and level of customer satisfaction. Also, there must be a review of the financial and performance audits of the authority, procurements by the authority over \$3,000. Also, the bill prohibits any personnel employed by the board of commissioners of any water or wastewater authority from receiving any money, goods or services as a result of any agreement for the installation of water and wastewater service.
- **HB 3946 by Rep. Briley** makes it an offense to knowingly violate an order of protection or a restraining order issued to a victim. Violation of this offense would subject a person to a 12

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- hour hold period and a Class A misdemeanor. The bill provides a notification requirement, which requires the victim to be notified by the arresting law enforcement officer of the offender's arrest, trial date, and bond eligibility.
- **HB 3368 by Rep. Coleman** allows a trustee or a substitute trustee to rescind a sale of land for the foreclosure of a mortgage or deed of trust within 10 days of the sale for one of the reasons: filing of bankruptcy; statutory or regulatory requirement for sale not being fulfilled; default leading to the sale is cured prior to the sale; incorrect legal description or address; bidding error at the time of the sale by the security interest holder; presence of an executed agreement between the lender and the borrower entered into prior to the sale to cancel the sale to cure the default.
- **HB 3367 by Rep. Coleman** provides appointment of successor trustee by the beneficiary at any time during foreclosure sale.
- **HB 3370 by Rep. Coleman** authorizes a trustee to plead in an answer to the complaint for the sale of property under a trust deed or mortgage that the trustee is not a necessary party to the action and believes named solely in the capacity as a trustee.
- **HB 3539 by Rep. Overbey** enacts the Silica Compensation Fairness Act. The bill establishes requirements for bringing tort actions for silicosis and mixed dust diseases.

**HB 3512 by Rep. Sargent**, as amended, defines terms for a commercial instrument such as account purchase transaction to mean an agreement under which commercial entity sells accounts, instruments, or documents to another commercial entity subject to a discount or fee, regardless of whether the entity is under a repurchase obligation. Also, it defines interest to not include any amount of a discount or fee in, or charged under, an account purchase transaction.

- **HB 3599 by Rep. Sargent**, as amended, sets out requirements for the Department of Commerce and Insurance's annual report for medical and professional malpractice claims.

- **HB 2629 by Rep. Hargett**, as amended, redacts certain motor vehicle accident report information from public inspection such as info on automobile liability insurance; driver, passenger, and witness driver's license numbers; driver, passenger, and witness telephone numbers, addresses, and dates of birth.

## Off Notice:

HB 310 by Rep. Coleman  
HB 2481 by Rep. Sargent  
HB 2483 by Rep. Sargent  
HB 2641 by Rep. Hawk  
HB 2672 by Rep. Sontany  
HB 2942 by Rep. Kelsey  
HB 3128 by Rep. Strader  
HB 3299 by Rep. Nicely  
HB 3302 by Rep. Niceley  
HB 3303 by Rep. Niceley  
HB 3308 by Rep. Niceley  
HB 3519 by Rep. Cochran  
HB 3520 by Rep. Cochran  
HB 3816 by Rep. Sargent  
HB 3876 by Rep. L. Miller  
HB 3977 by Rep. Lynn  
HB 2436 by Rep. DuBois  
HB 3369 by Rep. Coleman  
HB 2742 by Rep. DuBois  
HB 3540 by Rep. Overbey  
HB 3600 by Rep. Mumpower

## Criminal Practice & Procedure Subcommittee

The Criminal Practice & Procedure Subcommittee met on Tuesday to discuss thirty-two bills. The Criminal Practice & Procedure Subcommittee's last meeting will be on April 4, 2006. HB 3155 by Rep. McCormick was sent to Summer Study. This bill would add violent offenders to the Tennessee Sexual Offender Registry. There were some concerns about merging these two registries together.

## The following bills were approved for passage to the Full Judiciary Committee:

- **HB 2637 by Rep. Cochran** increases the minimum punishment period of imprisonment to 25 years and maximum of the natural life of the person for rape of a child. An offender is required to remain on community supervision for the remainder of the person's life and supervision includes GPS based satellite and



# Judiciary

other location tracking.



Rep.  
Hensley

- **HB 2644 by Rep. Hensley**, as amended, creates a Class E felony for a person who, without legal authority or privilege, knowingly offers to sell, sells, offers to purchase or purchases previously buried human skeletal remains. Allows the import into Tennessee or the export from Tennessee of human remains by hospitals, medical schools, colleges or universities for education or research purposes.
- **HB 3113 by Rep. Casada**, as amended, expands the circumstances in which a person may use deadly force in self defense or in defense of a third party to include an occupied vehicle.
- **HB 3116 by Rep. Casada**, as amended, creates a Class A misdemeanor offense for any person who repairs or services computers for remuneration or compensation who become aware of material on the computer that would cause a reasonable person to believe violates the law on the sexual exploitation of children knowingly fails to report the material to local law enforcement within 5 business days of detection. An amendment exempts out any person acting under the direction, supervision or authority of a judge, federal or state DAs, criminal defense attorney, or law enforcement if material is legitimately stored on the computer as part of a criminal investigation or evidence.
- **HB 3259 by Rep. U. Jones** requires a person convicted of promoting prostitution to submit to an HIV test.
- **HB 3776 by Rep. Rinks** authorizes the government to seize conveyance or other personal property used in the commission of a sexual offense against a minor.
- **HB 3777 by Rep. Rinks** increases the age of children to whom the offense of child abuse or neglect applies from under 13 years of age to under 18 years of age.
- **HB 3820 by Rep. J. Deberry** allows landowners to receive treble damages, attorney's fees and costs for any loss of use of

their property due to criminal trespass or aggravated criminal trespass.

- **HB 3899 by Rep. Buck** requires any excise tax levied upon dealers for the possession of unauthorized substances, actually or constructively, be done so upon a conviction.
- **HB 2798 by Rep. R. Johnson** extends the Class A misdemeanor offense for a person to knowingly abuse or neglect a child so as to adversely affect the child's health or welfare to include a child less than 18 years of age.
- **HB 2531 by Rep. Pinion**, as amended, makes it a Class A misdemeanor for the offense of aggravated criminal trespass when someone enters or remains on property owned or controlled by a railroad without the property owner's consent and the person knows or is reckless about whether their presence could result in injury.

The following house bills were rolled 1 week:

HB 2940 by Rep. Stanley  
HB 3678 by Rep. Dunn  
HB 2586 by Rep. Ferguson  
HB 2661 by Rep. Bunch  
HB 2663 by Rep. Bunch  
HB 2662 by Rep. Bunch  
HB 2666 by Rep. Bunch  
HB 2765 by Rep. Strader  
HB 2924 by Rep. Hill  
HB 3121 by Rep. Montgomery  
HB 3192 by Rep. Harmon  
HB 2528 by Rep. S. Jones  
HB 3086 by Rep. S. Jones  
HB 3734 by Rep. Sontany  
HB 3487 by Rep. R. Johnson  
HB 415 by Rep. Towns  
HB 932 by Rep. Towns  
HB 2684 by Rep. Campfield

Off Notice:

HB 2557 by Rep. Sargent  
HB 3752 by Rep. Buck  
HB 3557 by Rep. Sontany

# Judiciary

## Constitutional Protections Subcommittee

The Constitutional Protections Subcommittee met on Wednesday to discuss twenty-three bills. The Constitutional Protection Subcommittee will meet for the last time on April 12, 2006. HB 2860 by Rep. Overbey, which authorized individuals with handgun carry permits to possess a firearm the entire year while traveling across any refuge, public hunting area, or wildlife management area, failed. HB 2762 by Rep. Strader was withdrawn. HB 2638 by Rep. Cochran failed. This bill shifts background checks on firearm purchases from the Tennessee Bureau of investigation to the federal government

The following bills were **approved for passage to the Full Judiciary Committee**:

- **HB 1742 by Rep. Hargett**, as amended, enacts the Internet Spyware Control Act of 2005.
- **HB 2627 by Rep. McMillan** creates a Class C misdemeanor for acting to obstruct or interfere, or make any utterance, gesture, or display in a manner offensive to the sensibilities of an ordinary person with a funeral, funeral viewing of a deceased person, funeral procession, or memorial service within 500 feet of event.
- **HB 2853 by Rep. Pleasant** authorizes the Register of Deeds in Shelby County to redact social security numbers from recorded documents upon request.

The following house bills were rolled for 1 week:

HB 2570 by Rep. West  
HB 3527 by Rep. Dunn  
HB 2791 by Rep. Marrero  
HB 3857 by Rep. Crider  
HB 2760 by Rep. Strader  
HB 3141 by Rep. DuBois  
HB 2920 by Rep. Davis  
HB 2921 by Rep. Hill  
HB 3357 by Rep. J. DeBerry  
HB 3125 by Rep. Shaw  
HB 1711 by Rep. R. Johnson  
HB 3637 by Rep. Swafford

Rolled 2 weeks:

HB 2500 by Rep. Lynn  
HB 2957 by Rep. McCord  
HB 3410 by Rep. McMillan

Off Notice:

HB 777 by Rep. Clem  
HB 3834 by Rep. Stanley

## Judicial Administration Subcommittee

The Judicial Administration Subcommittee met to consider twenty-four bills. The final calendar for the Judicial Administration Subcommittee will be heard on April 5, 2006.

The following bills were approved for passage to the Full Judiciary Committee:

- **HB 3625 by Rep. Curtiss**, as amended, adds Dyer County to the list of counties authorized to levy a litigation tax not to exceed \$25.00 per case.
- **HB 3069 by Rep. Fowlkes** increases the monetary and criminal penalties for the unauthorized practice of law; clarifies and expands the private right of action regarding the unauthorized practice of law.
- **HB 2587 by Rep. Fowlkes** creates the Tennessee Voluntary Fund for Indigent Civil Representation to provide funding for rendering legal services to indigents in civil matters.
- **HB 3256 by Rep. U. Jones** imposes an additional fine of \$15.00 upon drivers who leave the scene of an accident involving personal injury to be used to fund the brain injury fund.
- **HJR 845 by Rep. Kelsey**, as amended, is a constitutional amendment to provide for the popular election of the Attorney General and Reporter.
- **HB 3612 by Rep. Fitzhugh** increases the base salaries for trial court judges, intermediate appellate court judges, Supreme Court justices, and the Attorney General and Reporter.

# Judiciary

- **HB 3039 by Rep. Bunch** authorizes municipal courts to issue administrative inspection warrants.
- **HB 2783 by Rep. Clem** allows local governments to increase general sessions jurisdiction limits from \$15,000 to \$25,000.
- **HB 2784 by Rep. Clem** allows the use of medical records at trial without identification by the custodian so long as the custodian has duly certified the records.
- **HB 2785 by Rep. Clem** authorizes a patient, family member, or other person responsible for patient's care to testify as a competent witness to identify medical bills at civil trials without the need for expert testimony to establish reasonableness and necessity of the bills.
- **HB 3685 by Rep. R. Johnson** authorizes a publicly funded forensic lab to be built in the 9<sup>th</sup> Judicial District (Loudon, Meigs, Morgan and Roane Counties).

## The following house bills rolled 1 week:

HB 2437 by Rep. DuBois  
HB 3648 by Rep. Hawk  
HB 2872 by Rep. DuBois  
HB 3580 by Rep. Coleman  
HB 2451 by Rep. Ferguson  
HB 3680 by Rep. Bunch  
HB 3371 by Rep. Sontany  
HB 3349 by Rep. R. Johnson  
HB 3535 by Rep. Fowlkes  
HB 3554 by Rep. McCord

## Summer Study:

HB 3260 by Rep. U. Jones  
HB 3133 by Rep. Clem  
HB 3134 by Rep. Clem



The House Judiciary Committee listens to John Jay Hooker, Jr. speak on HB 3304.

This week in the State and Local Government full committee, the committee considered 24 bills. Two bills were passed to Finance, Ways, and Means, and 3 were passed to Calendar and Rules.



## ***Bills passed to Finance, Ways, and Means:***

**-HB 3602 by Hargett** – Allows the Tennessee Intercollegiate State Legislature to use the state capitol and legislative plaza for up to 10 days without being charged.

## **-HB 2554 by Eldridge**

– This bill awards inmates a 60-day sentence credit for earning a GED, a high school diploma, or a two or four year college degree.

## ***Bills passed to Calendar and Rules:***

**-HB 3047 by Bone** – This bill removes the regional planning council's authority to appoint additional members to the council and executive committee, and instead adds one minority member from each council county to the council and adds four minority members to the executive committee.

**-HB 3316 by Mike Turner** – Requires residential landlords in Davidson County to register with the building codes agency.

**-HB 2518 by Henri Brooks** – Provides for an automatic, supervised recount of all votes in any election where the vote margin is within ½ of 1 percent of the total votes cast in the election.

*The following bills were either rolled to a later calendar or taken off notice:*

- HB 3398 by McMillan** – Off Notice
- HB 3415 by McMillan** – Off Notice
- HB 3743 by Fitzhugh** – 1 wk
- HB 3285 by Fitzhugh** – 1 wk
- HB 261 by Stanley** – 1 wk
- HB 2897 by Brooks** – 1 wk

Rep. Brooks (Shelby)



**-HB 2898 by Harry Brooks** – Off Notice

**-HB 3317 by Mike Turner** – 1 wk

**-HB 317 by Lynn** – Off Notice

**-HB 3441 by Lynn** – 1 wk

**-HB 2963 by Odom** – 1wk

**-HB 238 by Campfield** – 1 wk

**-HB 3755 by Pruitt** – 1 wk

**-HB 3781 by Rinks** – 1 wk

**-HB 3783 by Rinks** – 1 wk

**-HJR 855 by Moore** – 1 wk

**-HB 2818 by Moore** – 1 wk

**-HJR 886 by Matheny** – 1 wk

**-SJR 527 by West** – 1 wk

## **State Government Subcommittee**

This week in the State Government Subcommittee, the committee heard 14 bills. The following 7 bills were passed to full committee:

**-HB 4026 by McMillan, Pinion** – Increases from \$25,000 to \$75,000 the maximum value of surplus property that may be sold to an adjoining landowner or former property owner by the department of transportation.

**-HB 3988 by McMillan, Litz** – Creates a department confiscated cash fund from monies collected as contraband at state prisons to be used for purchasing, training, and maintenance of the department's canine units.

**-HB 3603 by John DeBerry** – This bill allows employers with less than 50 employees to provide a payroll deduction for the employee portion of health insurance premiums.

**-HB 3504 by McKee** – Extends the select oversight committee on corrections from the regular session of 2005 to the end of the regular session of 2007.

**-HB 2816 by Moore** – Increases the amount of annual income from \$12,980 to \$13,370 for elderly low-income and disabled homeowners to qualify for property tax relief.

**-HB 3989 by McMillan** – Requires the department of correction to establish a diversion program for parole technical violators.





# State & Local Government

**-HB 224 by Tindell** – Approves the 2006-2007 annual events by 501(c)(3) organizations.

*The following bills were taken off notice or rolled to another calendar:*

**-HB 2869 by DuBois** – Off Notice

**-HB 3782 by Rinks** – 2 wks

**-HB 3542 by Kernell** – 2 wks

**-HB 3546 by Kernell** – 2 wks

**-HB 2669 by Baird** – 1wk

**-HB 293 by Turner** – 1wk

**-HB 3591 by Armstrong** – 1wk

## Local Government Subcommittee

This week in the Local Government Subcommittee, the committee considered 26 bills. The following 7 bills were passed to full committee:

**-HB 3179 by Favors** – This bill requires a certificate of public purpose and necessity for certain public works, industrial and business park projects to be obtained by counties having a population of less than 300,000.

**-HB 2800 by Sargent** – Removes the regional planning commission's authority to combine substandard lots.

**-HB 2858 by Litz** – This bill provides that when determining if a local correctional facility is in excess of the rated capacity, the number of inmates who are not U.S. citizens who remain after INS has been notified is not to be counted in determining jail population.

**-HB 2813 by Larry Miller** – This bill will allow the county trustee to administer the senior citizen tax freeze program in Shelby County.

**-HB 2512 by Fowlkes** – Specifies that the county mayor and a member of the county legislative body are authorized to request tax information from the department of revenue to ensure proper severance taxes are paid.

**-HB 2560 by Fowlkes** – Allows additional compensation for a clerk and master that also serves as the clerk of probate court.

**-HB 3553 by McCord** – Details the conditions under which a municipality may issue a loan or make a contribution of funds to an industrial development corporation.

*The following bills were deferred or taken off notice:*

**-HB 3488 by Hackworth** – 1 wk

**-HB 3135 by Maggart** – 1wk

**-HB 3278 by Sargent** – 1 wk

**-HB 2868 by DuBois** – Off Notice

**-HB 2836 by Coleman** – Last Calendar

**-HB 3472 by Curtiss** – 3 wks

**-HB 2630 by Curtiss** – 3 wks

**-HB 3476 by Curtiss** – 3 wks

**-HB 3898 by Kernell** -1 wk

**-HB 2746 by Baird** – Off Notice

**-HB 3361 by Larry Miller** – 1 wk

**-HB 3814 by Larry Miller** – 1 wk

**-HB 2864 by Hargett** – Off Notice

**-HB 3829 by Coleman** – Last Calendar

**-HB 3253 by U. Jones** – 2 wks

**-HB 3958 by U. Jones** – 2 wks

**-HB 3568 by U. Jones** – 1 wk

**-HB 3609 by U. Jones** – 1 wk

**-HB 3770 by Rinks** – 1 wk

## Elections Subcommittee

Every bill was rolled in **Elections Subcommittee** with the exception of **HB 3766 by Rinks**. This bill requires municipalities to move local elections to coincide with the general election in November by the year 2010.

# Transportation

Jeremy L. Elrod

## Full Committee

The **House Transportation Committee** convened on March 28, 2006, to consider sixteen bills. **HB2623** (McMillan), **HB2620** (McMillan), and **HB3400** (McMillan) were deferred for one week. **HB3858** (Crider) was deferred to the last calendar. **HB2903** (Rowland) was deferred to January 2007. **HB2793** (Marrero), which authorizes issuance of Memphis Zoo new specialty earmarked license plates, was referred to the Special License Plate Committee.

The following bills were passed by the committee and referred to the House Calendar and Rules Committee:

**HB2964** (Hensley) - Removes prohibition on antique motor vehicles being used for general transportation by authorizing such use on Sundays only.

**HB1694** (Stanley) - Allows in a motor vehicle a video entertainment center visible to the driver, but only if the entertainment center is only operated while the vehicle is stopped, and a monitor on a piece of audio equipment where the video capability is not the equipment's primary function.

The following bills were passed by the committee and referred to the House Finance, Ways, and Means Committee:

**HB2443** (Pinion) - Reclassifies the existing Masons cultural plate as a specialty earmarked plate; increases the fee for such plate from \$25.00 to \$35.00; and reallocates 50 percent of funds derived from sale thereof to Masonic Widows' and Orphans' Home of Tennessee Fund.

**HB4016** (Pinion) – As amended, states the Department of Safety shall not issue any license to any person who is not a) a United States citizen, b) a lawful

permanent resident of the United States or c) a person whose presence in the United States has been authorized by the federal government for a specific purpose for a specified period of authorized stay. To obtain a driver license, a person shall provide documentation issued by the federal government establishing the person's presence in the United States has been federally authorized for a specific purpose and specific period of authorized stay. The driver license shall be valid only during the time of

the person's authorized stay in the United States and issued for no more than one but no less than five years. The certificates for driving are suspended until July 1, 2007. A comprehensive study of the certificates for driving program is to be conducted jointly by the Department of Safety, TBI and the Governor's Office of Homeland Security, with the results of this study due December 1, 2006.

The following highway sign bills were passed by the committee and referred to the House Finance, Ways, and Means Committee:

**HB3631** (McDaniel) - "Ethridge Lineberry Memorial Bridge," State Route 128 in Wayne County.

**HB3632** (McDaniel) - "C.W. Lineberry Memorial Highway," segment of State Route 128 in Wayne County.

**HB3633** (McDaniel) - "Gordon Turner Memorial Highway," segment of State Route 201 in Henderson County.

**HB3656** (Baird) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Sergeant Alfred Barton Siler, Tennessee National Guard.

**HB3684** (R. Johnson) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Sergeant Joseph D. Hunt, Tennessee National Guard.

**HB3860** (Crider) - "Deputy Roger Norvell Memorial Highway," segment of State Route 104 in Gibson County.

## Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met March 28, 2006, to consider eight bills. Action on **HB3073** (Rowland), **HB242** (DuBois), **HB3711** (Armstrong) and **HB3851** (Gresham) was deferred for one week. **HB3154** (M. Turner) was deferred for two weeks.

The following bills were passed to the full Transportation Committee:

**HB3799** (U. Jones) – As amended, authorizes municipal governments in Shelby County which own, operate or maintain ambulances as part of the services provided by the



Rep. Pinion



Rep. U. Jones

# Transportation

municipality to select the color of its ambulances. An amendment was also adopted correcting a select the color of its ambulances. An amendment was also adopted correcting a typographical error.

**HB2202** (Litz) – As amended, a driver license shall not be issued to anyone under 18 years of age who commits a zero tolerance offense in a school or makes a bomb against school property. A person who is under 18 years of age that commits a zero tolerance offense in a school or makes a bomb against school property may have his driver license suspended. Such persons that violate zero tolerance or make a bomb threat shall be ineligible for a driver license until the person reaches 18 years of age or two years from the date of the offense or bomb threat, whichever is later. The bill as amended also provides for the notification and administrative hearing procedures for the LEA, the department of safety, and the student. The bill was further amended to give the local presiding judge discretion in adjudicating these penalties.

**HB3874** (Shaw) - Expresses intent to name appropriate bridge with highway signs on State Route 840 in honor of late Staff Sergeant David L. Loyd, Tennessee National Guard.

honor of late Sergeant Paul W. Thomason III, Tennessee National Guard.

**HB3691** (Hackworth) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Sergeant First Class Stephen C. Kennedy, Tennessee National Guard.

## **Public Transportation & Highways Subcommittee**

The **Public Transportation & Highways Subcommittee** met on March 28, 2006 to consider fourteen bills. **HB2984** (West), **HB3344** (Davidson), **HB3301** (Niceley) and **HB3185** (Cobb) were taken off notice. Action on **HB3642** (West), **HB3257** (U. Jones), **HB3887** (Bone), **HJR787** (Tidwell) and **HB2769** (L. Turner) was deferred for one weeks. **HB3672** (Davidson) was deferred for two weeks.

The following highway sign bills were passed to the full Transportation Committee:

**HB3756** (Pruitt) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Staff Sergeant Nathan J. Bailey, Tennessee National Guard.

**HB3900** (Harmon) - Provides for erection and maintenance of directional signs for Historic Richard Hardy Memorial School on I-24 at Exit 152 (U.S. 72/Historic South Pittsburg).

**HB3638** (Litz) - Expresses intent to name appropriate bridge on State Route 840 in

# Budget Hearings





## Department of Education

### Pam Mason

The Department of Education presented its 2006-2007 budget on March 15. Commissioner Seivers shared with the Committee many areas where there is continued improvement in bettering education for Tennessee students. In its efforts to track students, the Department has developed one program for the state so as to have better coordination. Students attending the Governor's schools are now receiving college credit for their work. The number of students taking the ACT exam has risen from 85 percent last year to 92 percent and there has been an increase in the scores of these students each year. Tennessee is the third highest state in the nation of students taking this test. Each year of this administration the Department has returned less money to the Federal government. This is the first year that no dollars will be returned.

Some areas of improvement in this budget include:

Basic Education Program	BEP Growth Fund
BEP At-Risk Students	BEP English Language Learners
Pre-K Program	Governor's Institute for Science & Math
Teachers' Salary Increase	Group Health Insurance
Tennessee Early Intervention Services	Governor's Books from Birth Foundation

The Department of Education budget request follows.

	Base	Improvements	Recommended
State	3,147,313,200	195,533,400	3,342,846,600
Federal	855,738,500	0	855,738,500
Other	11,859,200	25,000,000	36,859,200
<b>TOTAL</b>	<b>\$4,014,910,900</b>	<b>\$220,533,400</b>	<b>\$4,235,444,300</b>

### State Board of Education

Dr. Gary Nixon, Executive Director of the State Board of Education presented the Board's 2006-2007 budget in conjunction with the Department of Education.

The Board serves as the regulatory and policy-making body for K-12 education, state special schools, and educational television. Its two main responsibilities are: revising and updating the Master Plan for improving education; and establishing policies, standards, and guidelines for public K-12 education.

The State Board of Education budget request follows.

	Base	Improvements	Recommended
State	762,100	28,000	790,100
Federal	0	0	0
Other	0	0	0
<b>TOTAL</b>	<b>\$762,100</b>	<b>\$28,000</b>	<b>\$790,100</b>

# Budget Hearings

## Department of Health Judy Narramore

Dr. Kenneth Robinson, Commissioner of the Department of Health, presented the Department's recommended budget for FY 2006-07 to the House Finance, Ways and Means Committee on March 21, 2006. The Department's **proposed budget totals \$534,580,000**, which includes **\$143,092,000 or 25 percent in state appropriations**, \$272,732,800 or 52 percent in federal funds, and \$118,755,200 or 23 percent in "other" revenue. The proposed budget includes 3,393 positions for the Department.

Improvement funding (\$11,829,400 in state appropriations) is requested to address needs in three areas: health care safety net – primary care, board of nursing, and health related boards support. Eight positions are included in the improvement budget request.

Following is a breakdown of the department's budget request:

Following is a breakdown of the department's budget request:

	<b>Base 2006-2007</b>	<b>Improvement 2006-2007</b>	<b>Recommended 2006-2007</b>
State	\$131,262,600	\$11,829,400	\$143,092,000
Federal	272,732,800	0	272,732,800
Other	118,755,200	0	118,755,200
<b>TOTAL</b>	<b>\$522,750,600</b>	<b>\$11,829,400</b>	<b>\$534,580,000</b>

# Budget Hearings

## Tennessee Corrections Institute Lucy Wilson

On March 2, 2006, Jerry Abston, the Director of Tennessee Corrections Institute (TCI) along with Wanda Johnson, Assistant Director and Peggy Sawyer the Fiscal officer, presented TCI's proposed fiscal year 2006-2007 budget to the House Finance, Ways & Means Committee. TCI provides training to local correctional staff and certifies local adult correctional facilities. With a staff of six in the field statewide (and three personnel members in the office), they trained more than 2,700 of the 4,500 correctional staff and supervised the training of the rest.

TCI also establishes standards to inspect and certify local correctional facilities in such areas as physical environment, medical services, and inmate supervision. There have been no improvements in at least the last two years and none were presented in this budget cycle.

Mr. Abston stated he and his staff were looking into similar agencies in other states and would expect to have improvements in next year's budget that would reflect changes.

The department's budget request for fiscal year 2006-2007 is \$713,500.

	<u>Actual</u> <u>2004-2005</u>	<u>Estimated</u> <u>2005-2006</u>	<u>Base</u> <u>2006-2007</u>	<u>Improvement</u> <u>2006-2007</u>	<u>Recommended</u> <u>2006-2007</u>
<b>316.09 Tennessee Corrections Institute</b>					
Full-Time	10	10	10	0	10
Part-Time	0	0	0	0	0
Seasonal	0	0	0	0	0
<b>Total Positions</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>0</b>	<b>10</b>
Payroll	448,200	528,100	528,100	0	528,100
Operational	150,800	185,400	185,400	0	185,400
<b>Total</b>	<b>\$599,000</b>	<b>\$713,500</b>	<b>\$713,500</b>	<b>\$0</b>	<b>\$713,500</b>
State	599,000	698,500	698,500	0	698,500
Federal	0	0	0	0	0
Other	0	15,000	15,000	00	15,000

# Budget Hearings

## Department of Human Services

### Judy Narramore

Commissioner Gina Lodge presented the Department of Human Services (DHS) proposed budget for FY 2006-07 to the House Finance, Ways and Means Committee on March 21, 2006. The Department's **proposed budget totals \$1,909,814,200**, which includes **\$167,354,700 in state appropriations**, \$1,605,592,700 in federal revenue, and \$136,866,800 in "other" funding. The proposed budget includes 5,472 positions for the Department.

The Department has four improvement requests for FY 2006-07, as follows:

1. Standard of Need – to provide funds to increase the Families First program standard of need for a family of three from \$942 to \$963. This increase will allow 924 families to qualify or remain qualified for the program.
2. Child Support – Assistant District Attorneys' Step Raises – to provide funds for the mandated salary increases required by TCA 8-7-201.
3. Family Assistance Service Center – to provide non-recurring funds to continue operation of the Family Assistance Service Center in Memphis for an additional year. This Center currently handles approximately 20,000 calls per week.
4. Independent Living – to provide funds for four rehabilitation instructors for the Independent Living Services for Older Blind Individuals program; this will decrease the waiting list for services.

Following is a breakdown of the DHS budget request:

	<b>Base 2006-2007</b>	<b>Improvement 2006-2007</b>	<b>Recommended 2006-2007</b>
State	\$ 162,537,300	\$4,817,400	\$ 167,354,700
Federal	1,604,332,600	1,260,100	1,605,592,700
Other	134,936,300	1,930,500	136,866,800
<b>TOTAL</b>	<b>\$1,901,806,200</b>	<b>\$8,008,000</b>	<b>\$1,909,814,200</b>



# Budget Hearings

## Department of Veteran Affairs Kristina Ryan

On Tuesday, March 28<sup>th</sup>, the House Finance Ways and Means Committee heard the Department of Veterans Affairs budget for fiscal year 2006-07. Commissioner John Keys made the presentation on behalf of the department. The primary duties of the department include operating the state's three veteran's cemeteries and maintaining a statewide power of attorney based claims processing system. Presently, there are approximately 560,000 veterans living in Tennessee, and with the current military deployments around the world, that number is expected to increase significantly. The department also provides monthly training to county service officers so that they are knowledgeable on assisting veterans receiving maximum earned entitlements. In addition, the department oversees the maintenance of the state's three veteran's cemeteries. Currently, the department is working on improvements aligning headstones correctly in the West Tennessee Veterans Cemetery. The total recommended budget for 2006-07 is **\$3,867,000**, and the department is requesting an additional **\$115,000** in improvements for funding operational equipment and supplies for the veterans' cemeteries in Memphis, Nashville and Knoxville.

### Recommended Budget for Fiscal Year 2006-07

<u>Expenditures</u>		<u>Revenue</u>	
Payroll -	\$2,967,300	State -	\$3,396,700
Operational -	899,700	Federal -	360,000
		Other-	110,300
<hr/>		<hr/>	
Total -	\$3,867,000	Total -	\$3,867,000

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